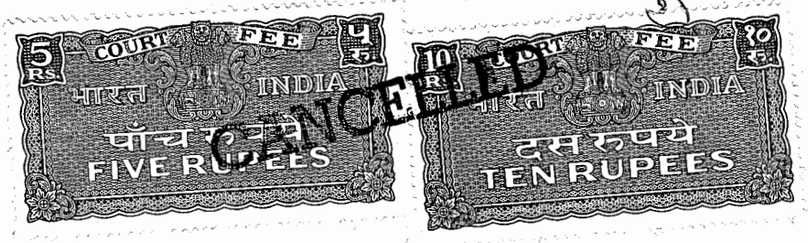

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

M.A.NO. 192 /2003

APPELLANT
NON-APPLICANT/DEFENDANT : Smt. Sarla Maheshwari
W/o Late Nand Kishor Maheshwari
Aged about 35 years,
R/o 45, Vikas Nagar,Lakholi,
Rajnandgaon,Teh.&District
Rajnandgaon (CG).

P. R. No. 542/03
Presented by Shri S.Verma
dated 03.03.03

VERSUS

RESPONDENT
Applicant/Plaintiff : Smt. Godavari Devi
W/o Late Satyanarayan
Maheshwari
Aged about 66 years,
R/o Ganj Line, Rajnandgaon,
Tahsil & Distt.Rajnandgaon (CG)

APPEAL UNDER ORDER 43 RULE-1 OF THE CODE OF CIVIL PROCEDURE

(M5)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक MA NO. 187/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	22.04.2006 Shri P. Diwakar, Senior Advocate with Shri A. Majumdar, counsel for appellant. Shri B.P. Sharma, counsel with Ku. Madhu Modi, counsel for respondent. Heard on admission and on M.(C).P. No. 394/2003. For the welfare of minor Prateek by appointing a guardian of his person and property, the appellant being his mother filed an application, during pendency of the application of the appellant, respondent also filed application claiming herself to be the person entitled for appointment of guardian of her minor grandson Prateek and his property. She also filed an application for interim order under Order 39 Rule 1 & 2 read with Section 151 of the C.P.C., and read with Section 12 of the Guardian & Wards Act, 1890 (henceforth "the Act"). The application was opposed by mother of the minor Smt. Sarla Maheshwari/appellant. Learned Court below after hearing both the parties passed the impugned order partly with the consent of the parties and partly after due consideration of the material available on record. Learned counsel for appellant contended that learned trial Court erred in restraining the appellant from operating her own locker. Per contra, learned counsel for respondent opposed and	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

contended that the locker is in the joint names of appellant and minor, therefore, the order does not call for any interference.

Chapter II of the Act contemplates a complete scheme for appointment of guardian of the minor and his property. Court has been empowered under Section 12 of the Act to pass interim orders for protection of person and property. The impugned order passed by the Court below for interim protection of the property of minor falls within Section 12 of the Act

The order passed under Section 12 of the Act is not appealable under Section 47 of the Act, therefore, the instant appeal is not maintainable.

The appeal is dismissed being not maintainable and accordingly M.(C).P. No. 394/2003 stands disposed of.

Learned counsel for the appellant prays to return the certified copy of the impugned order annexed along with the petition to which learned counsel for respondent has no objection.

Considered. Certified copy of the impugned order be returned to him on substitution by photocopy of the same within fifteen days.

I.A. No. 929/2006 stands disposed of.

Sd//-
V.K.Shrivastava
Judge

kvr

[पीछे देखिये